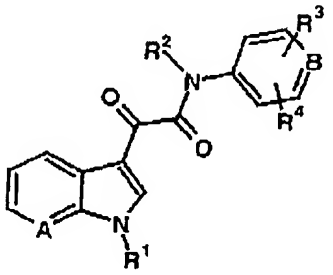
IN THE CLAIMS

1. (previously presented)A compound of formula 1



(1)

in which

A may be nitrogen or an N-oxide group,

B may be carbon, nitrogen or an N-oxide group,

R^1

(i) is $-C_{1-10}$-alkyl, straight-chain or branched-chain, optionally mono- or polysubstituted by –OH, -SH, $-NH_2$, $-NHC_{1-6}$-alkyl, $-N(C_{1-6}\text{-alkyl})_2$, $-NHC_{6-14}$-aryl, $-N(C_{6-14}\text{-aryl})_2$, $-N(C_{1-6}\text{-alkyl})(C_{6-14}\text{-aryl})$, $-NO_2$, -CN, -F, -Cl, -Br, -I, $-O-C_{1-6}$-alkyl, $-O-C_{6-14}$-aryl, $-S-C_{1-6}$-alkyl, $-S-C_{6-14}$-aryl, $-SO_3H$, $-SO_2C_{1-6}$-alkyl, $-SO_2C_{6-14}$-aryl, $-OSO_2C_{1-6}$-alkyl, $-OSO_2C_{6-14}$-aryl, -COOH, $-(CO)C_{1-5}$-alkyl, $-COO-C_{1-5}$-alkyl, $-O(CO)C_{1-5}$-alkyl, by mono-, bi- or tricyclic saturated or mono- or polyunsaturated carbocycles with 3-14 ring members or/and by mono-, bi- or tricyclic saturated or mono- or polyunsaturated heterocycles with 5-15 ring members and 1-6 heteroatoms, which are preferably N, O and S,

where the C_{6-14}-aryl groups and the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by $-C_{1-6}$-alkyl, -OH, $-NH_2$, $-NHC_{1-6}$-alkyl, $-N(C_{1-6}\text{-alkyl})_2$, $-NO_2$, -CN, -F, -Cl, -Br, -I, $-O-C_{1-6}$-alkyl, $-S-C_{1-6}$-alkyl, $-SO_3H$, $-SO_2C_{1-6}$-alkyl, $-OSO_2C_{1-6}$-alkyl, -COOH, $-(CO)C_{1-5}$-alkyl, $-COO-C_{1-5}$-alkyl or/and

–O(CO)C_{1-5}-alkyl, and where the alkyl groups on the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by –OH, -SH, -NH_2, -F, -Cl, -Br, -I, -SO_3H or/and –COOH, or

(ii)is –C_{2-10}-alkenyl, mono- or polyunsaturated, straight-chain or branched-chain, optionally mono- or polysubstituted by –OH, -SH, -NH_2, -NHC_{1-6}-alkyl, -N(C_{1-6}-alkyl)$_2$, -NHC_{6-14}-aryl, -N(C_{6-14}-aryl)$_2$, -N(C_{1-6}-alkyl)(C_{6-14}-aryl), -NO_2, -CN, -F, -Cl, -Br, -I, -O-C_{1-6}-alkyl, -O-C_{6-14}-aryl, -S-C_{1-6}-alkyl, -S-C_{6-14}-aryl, -SO_3H, -SO_2C_{1-6}-alkyl, -SO_2C_{6-14}-aryl, -OSO_2C_{1-6}-alkyl, -OSO_2C_{6-14}-aryl, -COOH,
-(CO)C_{1-5}-alkyl, -COO-C_{1-5}-alkyl, -O(CO)C_{1-5}-alkyl, by mono-, bi- or tricyclic saturated or mono- or polyunsaturated carbocycles with 3-14 ring members or/and by mono-, bi- or tricyclic saturated or mono- or polyunsaturated heterocycles with 5-15 ring members and 1-6 heteroatoms, which are preferably N, O and S,

where the C_{6-14}-aryl groups and the carbocyclic and heterocyclic substituents in turn may optionally be substituted one or more times by -C_{1-6}-alkyl,
-OH, -NH_2, -NHC_{1-6}-alkyl, -N(C_{1-6}-alkyl)$_2$, -NO_2, -CN, -F, -Cl, -Br, -I, -O-C_{1-6}-alkyl, -S-C_{1-6}-alkyl, -SO_3H, -SO_2C_{1-6}-alkyl, -OSO_2C_{1-6}-alkyl, -COOH,
-(CO)C_{1-5}-alkyl, -COO-C_{1-5}-alkyl or/and –O(CO)C_{1-5}-alkyl,

and where the alkyl groups on the carbocyclic and heterocylic substituents in turn may optionally be substituted one or more times by –OH, -SH, -NH_2, -F, -Cl, -Br, -I, -SO_3H or/and –COOH,

R^2 is hydrogen or –C_{1-3}-alkyl,

R^3 and R^4 may be identical or different and are hydrogen, -C_{1-6}-alkyl, -OH, -SH, -NH_2, -NHC_{1-6}-alkyl, -N(C_{1-6}-alkyl)$_2$, -NO_2, -CN, -SO_3H, -SO_3-C_{1-6}-alkyl, -COOH, -COO-C_{1-6}-alkyl, -O(CO)-C_{1-5}-alkyl, -F, -Cl, -Br, -I, -O-C_{1-6}-alkyl, -S-C_{1-6}-alkyl, -phenyl or –pyridyl, where the phenyl or pyridyl substituents in turn may optionally be substituted one or more times by -C_{1-3}-alkyl, -OH, -SH, -NH_2, -NHC_{1-3}-alkyl, -N(C_{1-3}-alkyl)$_2$, -NO_2, -CN, -SO_3H, -SO_3C_{1-3}-alkyl, -COOH, -COOC_{1-3}-alkyl, -F, -Cl, -Br, -I, -O-C_{1-3}-alkyl, -S-C_{1-3}-alkyl, or/and –O(CO)C_{1-3}-alkyl,

and where the alkyl substituents in turn may optionally be substituted one or more times by –OH, -SH, $-NH_2$, -F, -Cl, -Br, -I, $-SO_3H$, $-SO_3C_{1-3}$-alkyl, -COOH, $-COOC_{1-3}$-alkyl, $-O-C_{1-3}$-alkyl, $-S-C_{1-3}$-alkyl or/and $-O(CO)-C_{1-3}$-alkyl,

or salts of the compounds of formula 1.

2. (previously presented) A compound as claimed in claim 1 having at least one asymmetric carbon atom in the D form, the L form and D,L mixtures, and in the case of a plurality of asymmetric carbon atoms also the diastereomeric forms.

3. (previously presented) A compound as claimed in claim 1, wherein A is N and B is N-O.

4. (original) A compound as claimed in claim 3, wherein R^2 is -H or $-CH_3$.

5. (original) A compound as claimed in claim 4, wherein at least one of R^3 and R^4 is in each case a halogen atom.

6. (previously presented) A compound as claimed in claim 1, wherein A is N-O and B is CH, CR^3 or N.

7. (original) A compound as claimed in claim 6, wherein R^2 is -H or $-CH_3$.

8. (original) A compound as claimed in claim 7, wherein at least one of R^3 and R^4 is in each case a halogen atom.

9. (previously presented) A compound as claimed in claim 1 selected from the group consisting of:

N-(3,5-dichloropyridin-4-yl)-[1-(4-fluorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(2,6-dichlorophenyl)-[1-(2-chlorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(4-fluorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-phenyl-[1-(4-fluorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-fluorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(3-nitrobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,6-difluorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,4-dichlorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloropyridin-4-yl)-[1-(2,4-dichlorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-chlorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloropyridin-4-yl)-[1-(2-chlorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-chlorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloropyridin-4-yl)-N-methyl-[1-(2-chlorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-N-methyl-[1-(2-chlorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-methyl-N-(1-oxopyridin-4-yl)-[1-(2-chlorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,6-dichlorobenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-methylbenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2,6-dimethylbenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(1-hexyl-7-azaindol-3-yl)glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(1-isobutyl-7-azaindol-3-yl)glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-(1-cyclopropylmethyl-7-azaindol-3-yl)glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-naphth-1-yl-methyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloropyridin-4-yl)-[1-(2-chloro-6-fluorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-chloro-6-fluorobenzyl)-7-azaindol-3-yl]glyoxylamide;

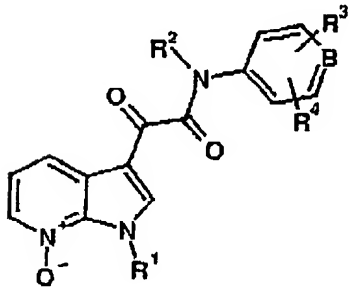
N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-chloro-6-fluorobenzyl)-7-oxo-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-difluoromethylbenzyl)-7-azaindol-3-yl]glyoxylamide;

N-(3,5-dichloro-1-oxopyridin-4-yl)-[1-(2-cyanobenzyl)-7-azaindol-3-yl]glyoxylamide;

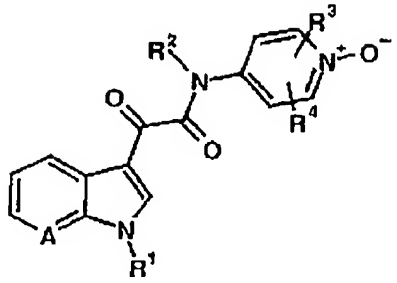
and physiologically tolerated salts thereof.

10. (previously presented) A process for preparing a compound according to claim 1, wherein compounds in which A is nitrogen and B can be nitrogen or carbon are oxidised by treatment with an oxidizing agent to the compounds of the invention of the formula 1a



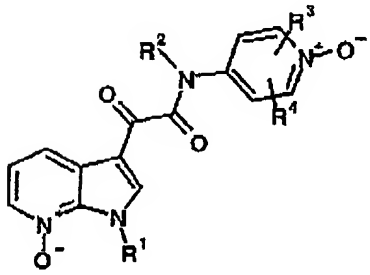
(1a)

1b



(1b)

or 1c



(1c)

11. (previously presented) The process as claimed in claim 10, wherein said oxidizing agent is selected from the group consisting of a peracid and a peracetic acid.

12. (previously presented) The process as claimed in claim 10, wherein resulting mixtures of N-oxides are fractionated into the pure compounds of the formula 1a, 1b or 1c by crystallization or chromatographic methods.

13. (previously presented) The process as claimed in claim 12, wherein mixtures of the solvents ethyl acetate and methanol, preferably in mixing ratios between 50:50 and 99:1, are used for separating mixtures of N-oxides by chromatographic methods.

14. (previously presented) A method of treating disorders in which inhibition of phosphodiesterase 4 is therapeutically beneficial in a patient comprising administering a therapeutically effective amount of a compound of claim 1 to a patient in need thereof to inhibit phosphodiesterase 4.

15. (previously presented) A method of treating disorders associated with the effect of eosinophils in a patient comprising administering a therapeutically effective amount of a compound of claim 1 to a patient in need thereof.

16. (previously presented) A method of treating disorders associated with the effect of neutrophils in a patient comprising administering a therapeutically effective amount of a compound of claim 1 to a patient in need thereof.

17. (previously presented) A method of treating hyperproliferative disorders in a patient comprising administering to said patient a therapeutically effective amount of a compound according to claim 1 to treat the hyperproliferative disorder.

18. (previously presented) A drug product comprising a compound according to claim 1 and at least one of a conventional physiologically tolerated carrier, diluent or excipient.

19. (previously presented) A process for producing a drug product as claimed in claim 18, comprising admixing said compound with said carrier, diluent or excipient to form the drug product.

20. (previously presented) A pharmaceutical composition comprising a compound of claim 1 and at least one other active pharmaceutical agent.

21. (previously presented) The process as claimed in claim 10, wherein said oxidizing agent is m-chloroperbenzoic acid.

22. (new) A method of treating disorders in which inhibition of phosphodiesterase 4 is therapeutically beneficial in a patient comprising administering a therapeutically effective amount of a compound of claim 3 to a patient in need thereof to inhibit phosphodiesterase 4.

23. (new) A method of treating disorders associated with the effect of eosinophils in a patient comprising administering a therapeutically effective amount of a compound of claim 3 to a patient in need thereof.

24. (new) A method of treating disorders associated with the effect of neutrophils in a patient comprising administering a therapeutically effective amount of a compound of claim 3 to a patient in need thereof.

25. (new) A method of treating hyperproliferative disorders in a patient comprising administering to said patient a therapeutically effective amount of a compound according to claim 3 to treat the hyperproliferative disorder.

26. (new) The process as claimed in claim 10, wherein A is N and B is N-O.

Applicants submit this amendment in connection with the accompanying response to the restriction requirement.

Any fees that may be due may be charged to deposit account no. 50-0624.

Respectfully submitted

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